

**INSTRUCTIONS FOR FILING A
CIVIL RIGHTS COMPLAINT BY A PRISONER PURSUANT TO 42 U.S.C. § 1983**

1. **FILL OUT THE FORM:** Your complaint must conform to the following instructions and must be on the attached form; otherwise it will be returned to you. You may attach additional pages where necessary. You must file a separate complaint for each claim unless the claims are related to the same incident or issue.
2. **MULTIPLE PLAINTIFFS.** You **may not** file a complaint with multiple plaintiffs except where multiple prisoners are asserting the same claims arising out of the same facts..
3. **STATE ONLY FACTS.** Your complaint must include only facts -- not legal arguments or citations. In order to state a claim under §1983, you must state **facts** which show that the named defendant(s) violated your rights secured by the Constitution. In order to do this, you must state what happened, when it happened, who did it, and the injury that was caused.
4. **TYPE OR PRINT THE COMPLAINT.** Your complaint must be typed or legibly handwritten.
5. **PAPER SIZE.** All pleadings and other papers submitted for filing must be on 8½" x 11" paper (letter size paper NOT LEGAL SIZE).
6. **SIGN THE COMPLAINT.** The plaintiff must sign and declare under penalty of perjury that the facts represented in the complaint are correct. The signature does not need to be notarized.
7. **LOCATION OF DEFENDANT(S).** Your complaint can be filed in this court (the Western District of Louisiana) **only** if one or more of the named defendants are located within this district.
8. **FILING FEES AND COSTS.** The fee for filing a civil action in the United States District Court is \$150. This fee must accompany the complaint in order for the complaint to be filed. (If you are unable to pay the entire filing fee at the time you file the complaint, you must submit an application to proceed *in forma pauperis* along with complaint, see *infra*.) If the summons and complaint are to be served on the defendants by the U.S. Marshal Service, you must complete a USM 285 for each defendant and pre-pay the costs for service of process. (If you are unable to pay the costs of service, you may submit an application to proceed *in forma pauperis* along with the complaint, see *infra*.)
9. **PETITIONING TO PROCEED IN FORMA PAUPERIS.** If you are unable to pay the entire filing fee and service costs for this action at the time that you file suit, you may petition the court to proceed as a pauper ("*in forma pauperis*"). In order to petition the court to proceed *in forma pauperis*, you must complete and submit (1) the "Application and Affidavit to Proceed *In Forma Pauperis*"; (2) the "Authorization" form authorizing prison officials to draft your prison account until the filing fee is paid in full; (3) the "Certificate" setting forth your account balance; and (4) a certified copy of your prison account statement for the last six (6) months signed by an authorized prison official. All of these forms are attached. **Please notes:** Even if the court grants your request, you will be required to pay the full filing fee in accordance with the requirements set forth on the application to proceed *in forma pauperis* which is attached **and** you will be required to pay the full filing fee even if your case is dismissed prior to trial.
10. **INITIAL REVIEW.** The court is required to review complaints which are filed *in forma pauperis* (28 U.S.C. § 1915(e)(2)) and/or by prisoners (28 U.S.C. § 1915A) to determine if they state a claim before ordering that process be served on the defendants. The review will determine whether the complaint is legally frivolous or malicious, or fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See*, 28 U.S.C. § 1915(e)(2).

11. **EXHAUSTION OF ADMINISTRATIVE REMEDIES.** You are required to exhaust all available administrative remedies before filing a civil rights action in federal court. Your complaint will also be reviewed to determine whether you have exhausted the available administrative remedies. Failure to do so may result in the dismissal of your case. *See*, 42 U.S.C. § 1997e(a).
12. **THREE OR MORE SUITS.** If you have filed three or more civil actions and/or appeals while incarcerated or detained, and the actions have been dismissed on grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, you will not be permitted to proceed *in forma pauperis* unless you are in imminent personal danger. *See*, 28 U.S.C. § 1915(g).
13. **WHERE TO MAIL.** When the complaint and/or pauper application is completed, mail the original to the **Clerk of the United States District Court for the Western District of Louisiana, 300 Fannin Street, Suite 1167, Shreveport, LA 71101-3083.**
14. **SERVICE OF PROCESS.** The United States Marshal will serve the defendant(s) only if (1) the service costs have been paid, or (2) the court has granted the application to proceed *in forma pauperis*. You must furnish the Marshal with a correct and complete name and address for each defendant.
15. **COPIES.** You should keep a copy of the complaint and any other pleading filed by you. Defendants must provide you with a copy of any pleadings which they file with the court, and the court will provide you with a copy of any document issued by it. If you fail to keep copies of your pleadings or copies of the documents sent to you by either the court or the defendants, you may obtain copies from the Clerk of Court **only after** you pre-pay for the copies at \$0.50 per page. **Please note:** You are required to pay for copies even if you are proceeding *in forma pauperis*.

**Form to be used by a prisoner filing a civil rights complaint under
THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

Full Name of Plaintiff, Prisoner Number

Civil Action

VS.

Judge

Defendant

Magistrate Judge

COMPLAINT

I. Previous Lawsuits

A. Have you begun any other lawsuit while incarcerated or detained in any facility?

Yes _____ No _____

B. If your answer to the preceding question is yes, provide the following information.

1. State the court(s) where each lawsuit was filed (if federal, identify the District; if state court, identify the county or parish):

_____ 2. Name the parties to the previous lawsuit(s):

Plaintiffs: _____

_____ Defendants: _____

_____ 3. Docket number(s): _____

_____ 4. Date(s) on which each lawsuit was filed: _____

_____ 5. Disposition and date thereof [For example, was the case dismissed and when? Was it appealed and by whom (plaintiff or defendant)? Is the case still pending?]:

- C. Have you filed any lawsuit or appeal in any federal district court or appeals court which has been dismissed?

Yes _____ No _____

If your answer to the preceding question is yes, state the court(s) which dismissed the case, the civil action number(s), and the reason for dismissal (e.g., frivolity, malice, failure to state a claim, defendants immune from relief sought, etc.).

II. A. Name of institution and address of current place of confinement:

- B. Is there a prison grievance procedure in this institution?

Yes _____ No _____

1. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit?

Yes _____ No _____

If Yes, what is the Administrative Remedy Procedure number? _____

2. If you did not file an administrative grievance, explain why you have not done so.

- _____ 3. If you filed an administrative grievance, answer the following question.

What specific steps of the prison procedure did you take and what was the result? (For example, for state prisoners in the custody of the Department of Public Safety and Corrections: did you appeal any adverse decision through to Step 3 of the administrative grievance procedure by appealing to the Secretary of the Louisiana Department of Public Safety and Corrections? For federal prisoners: did you appeal any adverse decision from the warden to the Regional Director for the Federal Bureau of Prisons, or did you make a claim under the Federal Tort Claims Act?)

Attach a copy of each prison response and/or decision rendered in the administrative proceeding.

III. Parties to Current Lawsuit:

A. Name of Plaintiff _____

_____ Address _____

B. Defendant, _____, is employed as

_____ at _____.

Defendant, _____, is employed as

_____ at _____.

Defendant, _____, is employed as

_____ at _____.

Additional defendants _____

IV. Statement of Claim

State the **FACTS** of your case. Specifically describe the involvement and actions of each named defendant. Include the names of all persons involved in the incident(s) or condition(s) giving rise to this lawsuit, and the dates upon which and the places where the incident(s) and/or condition(s) occurred. **YOU ARE REQUIRED TO SET FORTH ONLY FACTUAL ALLEGATIONS. YOU ARE NOT REQUIRED TO SET FORTH LEGAL THEORIES OR ARGUMENTS.**

V. Relief

State exactly what you want the court to provide to you or do for you. Make no legal arguments. Cite no cases or statutes.

VI. Plaintiff's Declaration

A. I declare under penalty of perjury that all of the facts represented in this complaint and any attachments hereto is true and correct.

___B. I understand that if I am transferred or released, I must apprise the Court of my address, and my failure to do so may result in this complaint being dismissed.

C. I understand that I may not proceed without prepayment of costs if I have filed three lawsuits and/or appeals that were dismissed on grounds that the action and/or appeal was frivolous or malicious, or failed to state a claim upon which relief may be granted, unless I am in imminent danger of serious physical injury.

Signed this ___ **day of** _____, _____.

Prisoner no. (Louisiana Department of
Corrections or Federal Bureau of Prisons)

Signature of Plaintiff